

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: July 13, 2009
POSITION: Neutral
SPONSOR: American Society for Reproductive Medicine

BILL NUMBER: AB 1397
AUTHOR: J. Hill

BILL SUMMARY: Tissue Donation

This bill, an urgency measure, would allow the Department of Public Health (DPH) to adopt sperm processing guidelines issued by the American Society for Reproductive Medicine (ASRM) as an alternative to developing its own regulations prescribing standards for facilities processing sperm from carriers of HIV, human T lymphotropic virus (HTLV), and other viral infections. This bill would exempt the DPH from the state's rulemaking process if it adopts ASRM guidelines as regulations, and would instead subject the DPH's proposed adoption to a 45-day posting requirement and a 30-day public comment period, after which the DPH could modify the proposed regulations based on the comments received.

This bill also would require physicians providing insemination services or other advanced reproductive technologies to inform the recipient about ASRM medical guidelines for follow-up testing after use of sperm from a HIV or HTLV reactive donor, the documentation of follow-up testing in the recipient's medical record, and the establishment of an ongoing physician relationship. This bill also would modify the responsibilities of the physician providing insemination services, ongoing care to the recipient, and treatment for HIV or HTLV infection.

This bill would delete the provision allowing use of sperm from a donor who has tested reactive for HIV or HTLV if the recipient has previously been documented with HIV or HTLV and mutual consent has been obtained.

FISCAL SUMMARY

This bill would result in minor, absorbable costs for the DPH to prepare a web site and post ASRM guidelines and public comments for the initial adoption of the guidelines and each subsequent update. These costs would be offset by a decrease in workload associated with promulgating regulations to address sperm processing guidelines, as this bill would make this requirement optional.

COMMENTS

The Department of Finance is neutral on this bill because it is a good health policy and has no adverse fiscal impact.

This bill would clarify ambiguities in current law regarding physician responsibilities and terminology, and allow the DPH to adopt ASRM guidelines as an alternative to promulgating regulations.

Analyst/Principal (0551) J. Kapoor	Date	Program Budget Manager Lisa Ann L. Mangat	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
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BILL NUMBER

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		SO	(Fiscal Impact by Fiscal Year)						
Code/Department	LA	(Dollars in Thousands)							
Agency or Revenue	CO	PROP							
Type	RV	98	FC	2009-2010	FC	2010-2011	FC	2011-2012	Fund Code
4265/PublicHealth	SO	No		-----	No/Minor	Fiscal Impact	-----		0076
<u>Fund Code</u>	<u>Title</u>								
0076	Tissue Bank License Fund								